

ORDINANCE 581-S-2020

AN ORDINANCE AMENDING A CERTAIN SECTION OF ORDINANCE 581, CHAPTER 4-5 ZONING RELATED TO OUTDOOR RESIDENTIAL LIGHTING STANDARDS, PROVIDING SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Universal City is a home rule City acting under its home rule Charter and the law of the State of Texas; and

WHEREAS, Tex. Loc. Gov't Code Chapter 211 authorizes the City of Universal City to adopt rules and regulations regarding land use within the City limits of the City of Universal City for the purpose of promoting the safe, orderly, and healthful development of the City; and

WHEREAS, the City Council finds it necessary to establish the provisions of this ordinance regarding the regulation of outdoor residential lighting; and

WHEREAS, the City Council finds that it would be advantageous and beneficial to the citizens of the City of Universal City, Texas, to adopt this ordinance regulating the requirements for outdoor lighting within the City of Universal City; and

WHEREAS, the City Council of the City of Universal City, Texas, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City that the Zoning Code regulations relative to outdoor residential lighting standards be established as hereinafter stated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

Section 1. Amendments. That Chapter 4-5 – Zoning of the Universal City Code of Ordinances be amended to create Article X – Outdoor Residential Lighting to read:

I. Article X. – Outdoor Residential Lighting

Sec. 4-5-99. Definitions

Full Cutoff Fixtures. Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected downward to produce downlighting.

Lighting. Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

Light Trespass. Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle driver's eyes, or upwards toward the sky.

Luminous Elements (of a light fixture). The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

Outdoor Lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting under this article. Residential fixtures installed indoors that cause light to shine outside are also considered outdoor lighting.

Residential. Property designated as residential under the city's zoning ordinance.

Temporary Lighting. Lighting intended for uses which by their nature are of limited duration such as holiday decorations, civic events, or construction projects.

Downlighting. Lighting that is directed in such a manner as to shine light rays downward.

Uplighting. Lighting that is directed in such a manner as to shine light rays upward, including lighting used for landscaping and tree illumination.

Unreasonable Glare. See *Light Trespass*.

Sec. 4-5-100. General

- (1) No outdoor residential lighting shall unreasonably glare into, or upon, the surrounding area or any residential premises.
- (2) No outdoor residential lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public streets.
- (3) All outdoor residential lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and building codes.
- (4) All outdoor residential light fixtures located under canopies, under building overhangs, or under roof eaves must conform to all provisions of this article.
- (5) All outdoor residential lighting installed on residential properties that is affixed to a construction project for which a building permit is required under this code shall conform to the standards established by this article.
- (6) All existing outdoor residential lighting that does not reasonably conform to the standards specified and imposed by this article shall be replaced or modified to reasonably conform to the standards specified and imposed by this article.
- (7) Prohibited Lighting
 - (a) Any light not designated for roadway illumination that produces direct or reflected glare that disturbs the operator of a motor vehicle.
 - (b) Any light that may be construed as a traffic control device, except as authorized by state, federal or local government.
 - (c) Lighting that impedes the safe take-off and landing of aircraft.

Sec. 4-5-101. Shielding

- (1) All outdoor residential lighting shall be shielded to generate downlighting so that the luminous elements of the fixture are not unreasonably visible from any other property. Note that mounting height or proximity to property lines may cause the luminous elements of a light fixture to need additional shielding.
- (2) Outdoor residential uplighting used in landscaping and tree illumination shall not unreasonably glare into, or upon, the surrounding area or any residential premises. All other outdoor residential uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield.

Sec. 4-5-102. Residential Flagpoles and Light Poles

- (1) Flagpoles: Lighting of only one (1) flagpole per property is permitted with the following restrictions:
 - (a) Flagpoles illuminated from below are limited to a height of thirty feet (30') above ground level. They are to be illuminated with a single spot type fixture mounted so that the lens is perpendicular to the flagpole.
 - (b) Flagpoles illuminated from above may utilize a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within fifteen feet (15') of the flagpole (i.e., house roof overhang) and must comply with Section 4-5-101(1).
- (2) Light Poles: Lighting shall be directed so that it does not produce unreasonable glare upon adjacent properties.

Sec. 4-5-103. Exemptions

The following lighting instances are exempt from this article:

- (1) Holiday lights are exempt from the requirements of this article.
- (2) Lighting required by law to be installed on motor vehicles.
- (3) Lighting needed during activities of law enforcement, fire and other emergency services.
- (4) Lighting required for the safe operation of aircraft.
- (5) Temporary lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.

Sec. 4-5-104. Penalty

Whoever violates any provision of this Chapter shall be subject to penalty as provided in Section 1-1-6 of this Code.

Section 2. Conflict with City Ordinances. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. Unamended. That the remainder of Chapter 4-5 – Zoning of the Universal City Code of Ordinances not amended hereby remain in full force and effect.

Section 4. Severability. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

Section 5. Effective Date: This ordinance shall become effective on 05 August 2020.

PASSED on first reading 21 July 2020.

PASSED AND ADOPTED on the 4th day of August 2020.

John Williams, Mayor

Attest:

Approved for legal sufficiency:

Kristin Mueller, City Clerk

Matthew J. Longoria, City Attorney